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LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 21 LGN 78

Bangalore, dated 25th November 1978.

Ordered that the **Karnataka Civil Courts (Second Amendment) Act, 1978** which received the assent of the President on the Twenty-Second day of November 1978 be published as Karnataka Act No. 28 of 1978 in the *Karnataka Gazette*, for general information.

KARNATAKA ACT No. 28 OF 1978

(First published in the Karnataka Gazette *Extraordinary on the Twenty-fifth day of November, 1978)*

THE KARNATAKA CIVIL COURTS (SECOND AMENDMENT) ACT, 1978.

(Received the assent of the President on the Twenty-second day of November, 1978)

An Act further to amend the Karnataka Civil Courts Act, 1964 (Karnataka Act 21 of 1964) ;

WHEREAS it is expedient further to amend the Karnataka Civil Courts Act, 1964 (Karnataka Act 21 of 1964) for the purposes hereinafter appearing ;

BE it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Karnataka Civil Courts (Second Amendment) Act, 1978.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. **Amendment of section 23.**—In sub-section (1) of section 23 of the Karnataka Civil Courts Act, 1964 (Karnataka Act 21 of 1964) (hereinafter referred to as the principal Act), the brackets, figures and words "(iv) The Indian Succession Act, 1925 (Central Act 39 of 1925)" shall be omitted.

3. **Insertion of new section 23A.**—After section 23 of the principal Act, the following section shall be inserted, namely :—

"**23A. Investiture of subordinate courts with jurisdiction of District Court under the Indian Succession Act, 1925.**—(1) The High Court may, by notification, invest any Civil Judge or Munsiff, within such local limits and subject to such pecuniary and other limitations as may

be specified in such notification, with all or any of the powers of a District Judge under the Indian Succession Act, 1925 (Central Act 39 of 1925).

(2) Any Civil Judge or Munsiff invested with powers under sub-section (1) shall have concurrent jurisdiction with the District Judge in the exercise of the powers conferred by the said Act upon the District Judge, and the provisions of the said Act relating to the District Judge shall apply to such Civil Judge or Munsiff, as the case may be, as if he were the District Judge :

Provided that every order made by the Civil Judge or the Munsiff by virtue of the powers conferred upon him under sub-section (1) shall be subject to appeal,—

(i) to the Court of Civil Judge when the order is passed by the Munsiff ;

(ii) to the District Court where the order is passed by a Civil Judge.

(3) Every order passed on appeal under the proviso to sub-section (2) shall be subject to appeal to the High Court under the rules contained in the Code of Civil procedure, 1908, applicable to appeals from appellate decrees".

4. Amendment of Central Act 39 of 1925.—In the Indian Succession Act, 1925 (Central Act 39 of 1925) as in force in the State of Karnataka, sections 265 and 388 shall be omitted.

By Order and in the name of the Governor of Karnataka,

R. G. DESAI,
Secretary to Government,
Department of Law and Parliamentary Affairs.

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